

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MARATHON ENTERPRISES, INC.,

Plaintiff,

v.

Case No. 2:6-X-50097

SCHRÖTER GMBH & CO. KG, et al.,

District Judge Patrick J. Duggan

Magistrate Judge Donald A. Scheer

Defendants.

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**ORDER GRANTING IN PART AND  
DENYING IN PART AMTRADE SYSTEMS, INC.'S  
MOTION TO QUASH SUBPOENAS, AND GRANTING  
IN PART AND DENYING IN PART  
MARATHON ENTERPRISES, INC.'S CROSS  
MOTION TO ENFORCE SUBPOENAS**

Plaintiff Marathon Enterprises, Inc. ("Marathon") having served subpoenas upon AmTrade Systems, Inc. ("AmTrade"), Joachim Glaser, David P. McCormack, Susanne Collins and Jack D. Clark (the "Subpoenas"); and AmTrade having filed a motion to quash the Subpoenas on behalf of itself as well as the individual deponents; and Marathon having filed a cross-motion to enforce the Subpoenas; and the motion and cross-motion having been referred to the Magistrate Judge for hearing and determination pursuant to 28 U.S.C. §636(B)(1)(A); and a hearing on both motions having been held on April 25, 2006, each motion is granted in part and denied in part, as follows:

1. Within ten (10) days from the date of the entry of this Order, AmTrade Systems, Inc., Joachim Glaser, David P. McCormack, Susanne Collins and Jack D. Clark shall produce to Marathon all documents in their possession, care, custody and control which are responsive to

requests numbered 1 through 37 and 42 through 55, inclusive, contained in the Subpoenas. For purposes of responding to said document requests, any reference to “Schröter” or “JKM Schröter” (including as used in the term “Schröter Equipment”) shall be taken to include in their definitions the following entities: Schröter GmbH & Co., KG; Schröter GmbH & Co. KG and Anlangenbau; Erich Schröter GmbH; Schröter Verwaltungs-GmbH; JKM Erste Vermögensverwaltungs GmbH & Co. KG; JKM Zweite Vermögensverwaltungs GmbH; JKM Geschäftsführungs GmbH; Schröter Technologie GmbH & Co. KG; Schröter Technologie Geschäftsführungsgesellschaft mbH; Schröter Holding GmbH & Co. KG; Schröter Holding Geschäftsführungsgesellschaft mbH; and any of their directors, officers, employees, attorneys, agents, servants and/or representatives, as well as their predecessors or successors in interest, parents, divisions, subsidiaries and affiliates, and their respective directors, officers, employees, attorneys, agents, servants and/or representatives and predecessors or successors in interest, parents, divisions, subsidiaries and affiliates; and

2. Within 10 days from the date of entry of this Order, AmTrade Systems, Inc., Joachim Glaser, David P. McCormack, Susanne Collins and Jack D. Clark shall produce to Marathon all documents in their possession, care, custody and control which are responsive to Requests No. 38 through 41, inclusive, contained in the Subpoenas; provided, however, that such production shall be limited to documents and information which relate to the initial capitalization and formation of AmTrade; or to AmTrade’s business and financial dealings and relationships with Schröter, JKM Schröter and/or Bril-Tech; or to the advertising, promotion, production and sale of Schröter Equipment, as all of those terms are defined in the Document Requests and as set forth in paragraph 1, above. It is the Court’s intention to protect from discovery any AmTrade business documents or information unrelated to commercial activities involving Schröter GmbH

and Co. KG and/or the other entities and individuals identified in this Order. Notwithstanding such limitation, any AmTrade business document which includes a reference to, or signature of, any current or former employee, agent, officer or director of Schröter, JKM Schröter and/or Brill-Tech shall be produced.

3. Within 14 days of the date of production of the documents to Marathon, as ordered herein, AmTrade Systems, Inc., Joachim Glaser, David P. McCormack, Susanne Collins and Jack D. Clark shall appear for depositions by Marathon. The depositions shall be conducted on consecutive days, with two depositions to take place on each day; provided, however that, should AmTrade designate a corporate representative other than the individual deponents identified in this paragraph, the deposition of that representative may occur as a third deposition on one of the two days designated for the depositions of the deponents named in this Order.

All of this is Ordered this 8th day of May, 2006.

s/Donald A. Scheer  
Donald A. Scheer  
United States Magistrate Judge

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### **CERTIFICATE OF SERVICE**

I hereby certify on May 8, 2006 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to the following non-registered ECF participants on May 8, 2006. **None.**

s/Michael E. Lang  
Deputy Clerk to  
Magistrate Judge Donald A. Scheer  
(313) 234-5217